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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM ZABIT and BRANDTRANSACT	:	
WORLDWIDE, INC.,	:	
	:	20-CV-555 (JPC)
Plaintiffs,	:	
	:	<u>ORDER</u>
-v-	:	
	:	
BRANDOMETRY, LLC et al.,	:	
	:	
Defendants.	:	
	:	
-----X		

JOHN P. CRONAN, United States District Judge:

The Court is in receipt of Plaintiffs' letter, dated November 17, 2020, requesting that (1) Plaintiffs be permitted to file an oversized memorandum of law in opposition to the pending Motions to Dismiss not to exceed 58 pages in length, (2) Plaintiffs be permitted to file the non-disclosure/confidentiality agreements involving LAM Associates and Toroso Investments under seal, (3) Plaintiffs be permitted to file their opposition papers immediately following the entry of an order on these applications, unless their papers must be shortened from the draft provided to the Court, in which case they be ordered to file their opposition within three days of the date of any such order, and (4) Defendants be granted thirty days after plaintiffs have filed their opposition papers to file any replies. (Dkt. 133.)

It is hereby ORDERED that Plaintiffs may file an oversized memorandum of law in opposition to the pending Motions to Dismiss not to exceed 58 pages in length. With respect to the non-disclosure/confidentiality agreements involving LAM Associates and Toroso Investments, Plaintiffs must follow the procedures for sealing listed in 4.B-C of the Court's Individual Rules and Practices in Civil Cases. Specifically, should they wish to file these documents under seal,

Plaintiffs must submit an application demonstrating that the standards for sealing have been met and specifically addressing *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Plaintiffs should also file the relevant documents under seal on ECF. If Plaintiffs are unable to file these documents under seal on ECF in this case, they should explain why in their application. Additionally, notwithstanding Judge Rakoff's August 5, 2020 Order (Dkt. 93) and the Protective order (Dkt. 94), Defendants must file similar applications pursuant to this Court's Individual Rules justifying the continued sealing of the "Confidential Documents" noted in the August 5, 2020 Order (*see* Dkt. 93); Defendants Brandlogic Corp., Corebrand Data Science, Tenet Partners, and Hampton Bridwell's Motion to Dismiss (Dkt. 101); and Defendant James Gregory's Motion to Dismiss (Dkt. 102).

The parties should file their respective applications to seal by December 1, 2020. If the parties wish, they may file a joint application addressing all documents. Following the Court's ruling on sealing, Plaintiffs should promptly file their opposition papers, and Defendants shall have thirty days after that date to file any replies.

The Clerk of the Court is respectfully directed to terminate the motion pending at document number 133.

SO ORDERED.

Dated: November 18, 2020
New York, New York



JOHN P. CRONAN
United States District Judge